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Attorneys for Defendant Discover Products, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

Lawrence James Saccato,

Case No. 11-CV-03002-HO

Plaintiff,

vs.

Zwicker & Associates; Discover Financial Services; and Does 1 through 10,

Defendants.

DEFENDANT DISCOVER PRODUCTS,
INC.'S MOTION TO DISMISS AMENDED
COMPLAINT

Pursuant to Fed. R. Civ. P. 12(b)(6)

ORAL ARGUMENT REQUESTED

LR 7-1(a) CERTIFICATION

Counsel for defendant Discover Products, Inc. (incorrectly named in the First Amended Complaint as Discover Financial Services) ("Discover"), certifies that he conferred in good faith with plaintiff Lawrence James Saccato through personal telephone conference on July 28, 2011, before filing this motion, and that the parties were unable to resolve this dispute.

MOTION

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Discover moves to dismiss Amended Complaint for failure to state a claim upon which relief can be granted.

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In support of this motion, Discover relies upon the Memorandum in Support of its Motion to Dismiss Amended Complaint, submitted concurrently herewith.

DATED: July 29, 2011

LANE POWELL PC

By B.T. Kiolbasa
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CERTIFICATE OF SERVICE

I hereby certify that on July 29, 2011, I caused to be served a copy of the foregoing DISCOVER PRODUCTS, INC.'S MOTION TO DISMISS AMENDED COMPLAINT PURSUANT TO FED. R. CIV P. 12(B)(6) on the following person(s) in the manner indicated below at the following address(es):

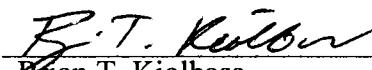
Lawrence James Saccato

Pro Se

6387 Old Hwy 99S

Roseburg, OR 97471

- by CM/ECF
- by Electronic Mail
- by Facsimile Transmission
- by First Class Mail
- by Hand Delivery
- by Overnight Delivery



Brian T. Kiolbasa

CERTIFICATE OF SERVICE

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